

REMARKS

Claims 26 and 27 have been canceled without prejudice or disclaimer.

Claims 1-25 remain pending. Claims 1 and 8 are independent claims.

Reconsideration of the present application is requested.

IMPROPER FINAL REJECTION

In the May 22, 2006 Office Action, the Examiner rejected only claims 8 and 27 under 35 U.S.C. § 101 as directed to nonstatutory subject matter.

Applicants amended these claims taking into account the Examiner's comments. Now, the Examiner rejects all of claims 1-27 under 35 U.S.C. § 101. M.P.E.P. § 706.07(a) states:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement...

Because the current Office Action includes a new rejection of claims 1-7 and 9-26 under 35 U.S.C. § 101, not necessitated by Applicants' Amendment filed August 22, 2006, the finality of the current Office Action is improper and should be withdrawn.

ENTRY OF AMENDMENT AFTER FINAL IS REQUESTED

In view of the above remarks, the finality of the current Office Action should be withdrawn, and the amendments made herein should be entered and considered by the Examiner. Alternatively, the amendments made herein should be entered because they only further clarify limitations previously set

forth and do not raise any new issues requiring further consideration and/or search.

REJECTION UNDER 35 U.S.C. § 101

The Examiner rejects claims 1-27 under 35 U.S.C. § 101. Although Applicants do not necessarily agree with the Examiner, in an effort to expedite prosecution of the present application, Applicants have amended claim 1 and 8 taking into account the Examiner's comments. Claim 1 now recites "restoring each of the representatives by entering said information into itself," and is therefore statutory under 35 U.S.C. § 101. Claim 8 is also statutory for at least reasons somewhat similar. Applicants have canceled claims 26 and 27. Withdrawal of this rejection is requested.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Examiner rejects claims 1, 8, 26 and 27 under 35 U.S.C. § 112, second paragraph because the claims allegedly omit essential steps. Although Applicants do not necessarily agree with the Examiner, Applicants have amended these claims taking into account the Examiner's comments. Withdrawal of this rejection is requested.

PRIOR ART REJECTIONS

REJECTIONS UNDER 35 U.S.C. § 103(A)

Claims 1-27 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,119,125 ("Gloudeman") in view of U.S. Patent No. 6,059,838 ("Fraley"). This rejection is respectfully traversed.

The Examiner continues to rely on col. 19, lines 38-45 of Gloudeman to allegedly teach "*supplying, by each of the automation objects, an identifying designation of a type of respective representative to the engineering system,*" as set forth in claim 1, for example. Most recently, the Examiner states:

Gloudeman teaches standard objects and assembly objects and application objects are identified and these objects are represented the main type of objects in the automation system (col. 7, lines 18-28). Also, each object in the system is identified by the key object (col. 19, lines 38-45).

Office Action, p. 3 (U.S.P.T.O. Feb. 8, 2007).

The Examiner's conclusion that "each object in the system is identified by the key object," in Gloudeman is baseless because column 19, lines 38-45 contain no such teaching. As previously pointed out, col. 19, lines 38-45 of Gloudeman states in part:

...each Access Key Object assigned to an operator dictates access privileges to and functional capabilities over a predefined collection of objects when access is attempted from the one or more user interfaces identified in the access key object. One or more keys can be assigned to each operator object. The creation, modification and deletion of these objects may only be performed by the site administrator(s)... (emphasis added)

In short, the "Access Key Object," of Gloudeman provides access to the respective object, but does not identify the object. Applicants fail to recognize any teaching or suggestion in Gloudeman that each object in the system is identified by a key object.

Moreover, similar to Applicants' previous arguments, to which the Examiner has not responded, Gloudeman also fails to teach or fairly suggest at least, "*reading out each representative read out engineering information from the*

object into the representative using the reference," as set forth in claim 1. While Gloudeman arguably discloses communication between different objects, Gloudeman's engineering information is not read out from the automation system object by each representative in the engineering system. See, e.g., Gloudeman, Col. 6, ll. 55-65. In further support of the Examiner's conclusion, the Examiner refers to the following passage in Gloudeman, which states:

...the Trend object includes the specification of the data collection sampling method, sample interval, the data buffer size, the storage method, the trend buffer upload interval. Prior to buffer overflow, the Trend object uploads its data to designated intermediate storage devices. Typically the user is unaware of the upload of trend data to archived PC files unless file full alarms or data routing problems are encountered... (emphasis added) *Id.* at col. 27, ll. 8-14.

From the above passage it is clear that, while Gloudeman arguably uploads data, the upload concerns trend data, that is, data from the running automation system such as alarms or failures, but not engineering information.

The Examiner correctly recognizes that Gloudeman fails to teach or suggest "*entering a reference to the corresponding automation object*," as set forth in claim 1, and relies upon Fraley to allegedly teach this feature. However, even assuming *arguendo* that Fraley could be combined with Gloudeman (which Applicants do not admit), Fraley still fails to makeup for the deficiencies of Gloudeman with respect to claim 1.

Claim 8 is allowable for at least reasons somewhat similar to those set forth above with regard to claim 1. Dependent claims 2-7 and 9-25 are allowable at least by virtue of their dependency on independent claims 1 and 8.

CONCLUSION

In view of above remarks, reconsideration of the current rejection and allowance of the pending claims is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number of the undersigned listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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